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January 14, 2019

**BY HAND AND ECF**

The Honorable William F. Kuntz  
United States District Court for the  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *United States v. Jean Boustani, et al. (Case No. 18-cr-681 (WFK))*

Dear Judge Kuntz:

We represent Defendant Jean Boustani in the above-captioned matter. We write to update the Court regarding a minor change in the bail proposal set out in our January 8, 2019 letter to the Court, namely the location of the apartment to which Mr. Boustani would be confined. Specifically, Guidepost Solutions is now prepared to provide security at [REDACTED], a few blocks away from the original proposed location.<sup>1</sup>

We also wish to update the Court that today we were notified, pursuant to a message from Adam Johnson, Supervisory Staff Attorney at the Bureau of Prisons, that **all legal visitation has been suspended until further notice at the MDC**, due to staff shortages secondary to the shutdown of the federal government. Lack of access to Mr. Boustani has been a persistent problem since he was first detained. He was transferred to the MDC on the evening of January 2, 2019 and legal visiting was shutdown entirely or delayed for hours on each of the following dates: January 4, January 5, January 6, January 9, January 10, January 11, and January 14.

Although we understand that many parties and the Court have been hampered by the shutdown, the suspension of legal visitation presents particularly grave issues for Mr. Boustani, who has been brought by the Justice Department to the United States to face charges in this complex, international fraud case and now has no access to his attorneys during a critical stage of the prosecution. Indeed, even on the days in which we have been able to see Mr. Boustani, our visits were cut short by the fact that the visitor bathrooms in the MDC were inoperable.

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<sup>1</sup> In both our January 8, 2019 letter and this letter, the address of the proposed apartment is redacted in the ECF filed version of the letter.

This is all to say that Mr. Boustani's continued detention would not only be improper under the Bail Reform Act, as described in our January 8 letter, but also that his continued detention poses a fundamental threat to Mr. Boustani's rights under the Sixth Amendment. In a case of this complexity, that threat exists even where his attorneys have normal levels of access to a BOP inmate. In the current environment, where the Department of Justice cannot even guarantee the minimal access typically afforded, it will be impossible for Mr. Boustani to adequately prepare to defend himself. We appreciate the Court's attention and consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randall W. Jackson", followed by a horizontal line.

Randall W. Jackson  
Michael S. Schachter

cc: (by ECF)

AUSA Matthew S. Amatruda  
AUSA Mark E. Bini